

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Stanley A. Chesler
v. : Criminal No. 10-252 (SRC)
TORIEN BROOKS, et al. : COMPLEX CASE ORDER

This matter having been opened to the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (Lisa Colone, Assistant U.S. Attorney, appearing), and defendant TORIEN BROOKS, a/k/a "T-Bird," a/k/a "B.G.," a/k/a "Reek Boy," (Thomas F.X. Dunn, Esq. appearing), defendant HALEEK STATE, a/k/a "H.O.," (Alexander Booth, Esq. appearing), defendant LARRY MAYO, a/k/a "Little Dark Angel," a/k/a "D.A.," (Donna Newman, Esq. appearing), and defendant JOHN BENNING, a/k/a "Hood" (Michael V. Calabro, Esq. appearing), the Court makes the following findings for good cause shown:

1. For the reasons set forth below, this case is sufficiently complex such that it is unreasonable to expect adequate preparation for pretrial proceedings and trial within the time limits established by Title 18, United States Code, Section 3161:

a. the Indictment charges a kidnaping, as well alleges as separate racketeering activity, including acts involving robbery, murder, and narcotics distribution;

accordingly, the gravity and magnitude of this case render it complex;

b. a trial in this matter is likely to involve a number of witnesses and amounts of physical evidence, and is likely to be lengthy; accordingly, counsel requires additional time to prepare adequate defenses to the very serious charges in the Indictment; and

c. due to the nature of the allegations and statutes involved, it is likely there will be substantial pre-trial motions regarding questions of law and fact.

2. Plea negotiations are currently in progress and both the United States and the defendants desire additional time to negotiate a plea agreement, which would render any trial of this matter unnecessary.

3. Pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendants in a speedy trial.

IT IS, therefore, on this 22 day of October 2010,

ORDERED that for the reasons set forth above, and with the consent of the attorneys for the defendants, this case is so unusual and so complex, due to the number of defendants (4), the nature of the prosecution (VICAR), and the existence of numerous questions of law and fact, that it is unreasonable to expect

adequate preparation for pre-trial proceedings and for the potentially lengthy trial itself within the time limits established by Section 3161; and

IT IS FURTHER ORDERED that the Government will provide discovery to the defendants by January 4, 2011; discovery conferences are to be concluded by January 17, 2011; defense motions shall be filed by January 26, 2011; the government's opposition shall be filed by February 10, 2011; the defendants' replies, if any, shall be filed by February 24, 2011; the argument of the motions is scheduled for March 8, 2011 at 10:00 a.m. and the trial is scheduled for March 22, 2011; and

IT IS FURTHER ORDERED that the period from November 3, 2010 through March 22, 2011, shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h) (7).



HON. STANLEY R. CHESLER
United States District Judge



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Attorney for Torien Brooks

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